

**MINUTES
PLANNING COMMISSION
7:00 PM
116 WEST NEEDLES
BIXBY, OKLAHOMA
Monday
August 21, 2006**

MEMBERS PRESENT	STAFF PRESENT	MEMBERS ABSENT
Thomas Holland		
Bill Davis	Jim Coffey	
Neil Trowbridge		
Jim Powell		
Scott Sherrill		

Approval of Minutes for July 16, 2006. Powell moved and Holland seconded for approval

VOTING FOR: Powell, Holland, Trowbridge, Sherrill

VOTING AGAINST: none

ABSTAINING: Davis

MOTION PASSED: 4-0-1

BZ-317: Public Hearing, Discussion, and Possible action to approve a zoning request for CS (Commercial Shopping) from OM (Office Medium Intensity) or a tract of land located North of 121st Street and West of Memorial, Martha Roberts, applicant.

STAFF REPORT

The request for zoning fits well within the Comprehensive Plan. The proposed zoning leaves an ample separation between residential and commercial uses with a buffer area of Office Medium. OM can be considered a transitional zone form CS to Residential. In fact a CS zone placed next to residential is proper when fencing and/or green area is used as a buffer. The adjacent property is a good example of CS next to a Residential.

The zoning of OM was passed by the Planning Commission and City Council in November of 2001. The present zoning request would leave a buffer between the residential and CS with 200 feet of OM.

The area to the East is presently developing in retail sales and it is fair to assume this area would also be retail sales. Staff recommends approval.

PUBLIC HEARING

Ted Sack, Sack & Assoc, engineer and representative for the property owner said he would reserve his comments until others had an opportunity to speak. He handed out the original zoning map for the area showing the residential, commercial and office zonings. He explained only the OM area is being rezoned to CS leaving the OM area of 200 feet as a buffer between the residential and the zoning request for CS Commercial.

Jay Mauldin, 7341 E 119th Place, said he was in opposition to the zoning change. He did not believe the zoning change would maintain nor enhance the property values in the residential area. The change will not serve as a positive template for further development of this kind in the City of Bixby. You should plan the work and then work the plan. The planning for this area has been completed and the items should have been addressed at that time. It is time for the City to work the plan. This application should be rejected and that the development of this land be no greater than the intensity as previously approved.

Debra Zigo, 7329 E 119th Street, president of the Fox Hollow Home Owners Assoc. A lot of us looked at property in this area and based our decision to purchase on what the property was zoned at the time. I know that not everyone has signed up to speak and I would like to ask that those who oppose the re-zoning raise their hand. (There was a large number present over 50 people and most raised their hands)

Jim David 11963 S 76th East Ave. Why re-zone if we do not have a plan? Lets have a plan and then talk about rezoning. I do not understand why we rezone at this time unless the property owner has a buyer and desires to sale the property. She would have further gains with a CS zoning above the property be zoned OM. I would request you reject the offer.

Paul Eller, 7370 E 119th Street So. There are a number of property up and down Memorial that are already zoned commercial and for sale. I do not understand why we need to rezone this property when there is so much other property available. The other concerns I have is the use of the property. In Commercial Shopping you could put sixty foot antenna have storage tanks and a number of other things that would not be desirable. Even with a 200 foot buffer I will still be able to see that antenna. There are some negatives with CS even if most people conceive it as retail shopping. That is not exactly what can go in there, a lot of other uses can also go in there.

Lance Whisman, 11824 S 73rd East Ave. Had served on the Glennpool Board for several years. My concern with zoning this CS with a 200 foot OM buffer is that there is a 30 foot utility easement surrounding the area so if you landscape the area

you would be limited with the size of trees that could be planted. Zoning it commercial, what can they use that 200 feet for? With rear access in that area you are squeezing that area for space. One issue would be lighting. Regardless how lighting is scheduled a development of this size would have extensive lighting that would impact the neighborhood greatly. People would not like that shinning in their back yards. When you squeeze that much office zoning in a small space what can you really do. Please reconsider this and deny the application.

Scott Sherrill asked the planner. What about this antenna use. Must be approved by the Board of Adjustment in an area like this close to residential. Sherrill what about Storage Tanks? Must also be approved by the Board of Adjustment for the same reason. Any Automotive use would have to so to the Board of Adjustment for a Special Exception.

Ted Sack, Sack & Assoc., representative for the property owner. When property was originally zoned we had North Heights Subdivision to consider. At that time a 25 foot strip of OL was zoned along the property line as a buffer for the people in North Heights from the CS Commercial Zoning. Also a 125 foot RS2 zoning was placed along North Heights as a transition from RS1 to the rest of the zoning in Fox Hollow of RS3. Under a PUD the area of OM could be commercial shopping with the development of the CS area. That did not happen, the area of CS is developing under a retail plan and the OM area is left. So we are back asking that a small corner of the property be zoned CS leaving a 200 OM buffer along the residential area. There are no specific plans for the property, but by leaving a buffer of 200 foot of OM. If the property developed as OM the entire property could be developed. If entire property was to develop as CS then if would have to come back to the Planning Commission as a PUD. But until we have a precise development we come asking for CS and provided a 200 foot buffer of OM. The best use of the property could very well be CS like the property to the East. The property is at the intersection of Memorial and 121st Street both are main arterial streets meant for commercial development. It is much like 71st and Memorial in Tulsa was several years ago. This is an intersection designed by comprehensive plans to be intense commercial development. The owner did not feel it was right to ask for CS on the entire property and so asked that the 200 foot buffer be left along the residential area.

Chairman Sherrill said he was going to take some liberty and asked Chris Clark, to come forward and answer some questions.

Chris Clark 7378 E 119 Place So., I have the corner property between the commercial area and the OM. They tell us there are no plans for the area, but we believe there are plans and the buffer area they are leaving is to get around a PUD. There will eat up the buffer zone and leave a small area as a buffer in a PUD.

Now I have commercial on one side with no buffer and on the other with a small buffer.

Chairman Sherrill asked if it was the commercial zoning or the buffer the property owners are more concerned with? Chris Clark indicated that is true. OM is used during the week and does not have as great of need for lighting, where the commercial stuff we will have people right up against our back fence all week in long as well as during the week. We want room enough were we can put trees and have an adequate buffer zone to relieve the light and noise.

Commissioner Davis said there will not be commercial right up to the property line it is OM. Chris Clark replied there could be parking and parking would necessitate lighting for security. There is a lot of things that could happen but I know they will be close.

Kim Legate 11951 S 76th East Ave., our realtor told us the property to are back was residential, so image our surprise. The buffer for property is only 30 foot so I wonder what is going to happen for these other folks on the property you are zoning tonight? Chairman Sherrill replied that the developer came in and the Planning Commission asked for a 30 foot set back for buildings. There are easements in that area and building could not be built.

Commission Throwbridge reminded the citizen that we are not re-zoning the property we are listening to the property owners so we can make a recommendation to the City Council.

Lance Whisman, I am concerned about the buffer. Trying to develop in that small space forces the building back. A large area allows the parking to place around the building and not be limit to a buffer area. If they found there was not room for parking they would come back and say we have a hardship and we need more parking in the OM area. They would seek an exemption for the rest of the property. 200 feet is not much area and you force the developer to utilize the space in way that might not leave much space between OM and the residential area. It is not just the buffer now but the utilization of space in the future.

Ted Sack, there seems to be a lot of concern about the OM area. There is noting we can do but what is allowed by right in an OM zone and that right already exist because it is under the present zoning. We cannot use it as spin off of the commercial area without coming back to you with a PUD. 200 feet deep is more than enough room for a small office building. The idea in leaving the OM zoning area was to provide a buffer for the property owners. If you went to INCOG they have this property zoned at present as CS. So if you were checking the property out in the past you would have found it to be CS, which is not what

was done. The planner said it was an error on INCOG maps and a request for correction has been made.

Chairman Sherrill closed the public hearing.

Commissioner Throwbridge said in the comments by Ted Sack that this is a commercial area with arterial Streets like 71st and Memorial. This area is to the West of that corner. Ted Sack replied that is correct, but just like 71st and Memorial the commercial area spreads along the arterial streets.

Commissioner Davis said those who live against the OM have a lot less to worry about than those who live along the OL and CS area to the East.

Commissioner Holland said he was concerned with the number of people present. This looks like about 60 percent of the property owners in the subdivision. This concerns me in trying to do the right thing for the citizens. I do not know what I think about this issue right now but I think it is important that we be concerned about the number of citizens who are here to oppose this item.

Chairman Sherrill asked Ted Sack since there is so much concern about this item if he would like to meet with these property owners and bring this item back to a future Planning Commission meeting. Ted Sack mentioned he had meet with the neighborhood and told them if there was a real plan here they could come forward with a PUD, but no plan exist. I feel this zoning does protect them, I would be willing to have a covenant with the neighborhood concerning the buffer area although it is not in this zoning request. Workout a landscape buffer of say 25 feet adjacent to them, and give them some comfort level. The property to the east dedicated a 25 foot landscape area and we could do the same.

City Planner reminded the Planning Commission the State of Oklahoma will not allow conditions be place on a straight zoning case. Condition might be between the property owners and the developer but we can not be party to any conditions for zoning the area. We also would not be concerned with the buffer in the OM area because if the plat included both areas then we would ask for a planned unity development.

Ted Sack responded he understood and was indicating he would work with the property owners to reach some agreement outside of the zoning of the area.

Chairman Sherrill asked if they would like to continue this item to discuss this with the property owner. Once we zone this item we are not party to any agreement and if it sales the purchaser can do what is allowed as a use in that zoning area. If you want us to go ahead and vote we will take a vote on the issue. Ted Sack said he would work on the agreement with the property owner before

this issue goes to the City Council. Chairman Sherrill said the Planning Commission could not do that. We vote for the zoning or against the zoning and make a recommendation to the City Council.

Chairman Sherrill, recognized Moffet, 11975 East 73rd East Ave. My question is when we say 200 feet buffer area are we talking about landscape or green area or office buildings? Sherrill responded it is OM. Moffet responded if it is a landscaped area that is one thing but office is not what the property owners want.

Chairman Sherrill explain if nothing is done the OM area is now against the residential properties. You can end up with offices right now against the residential lots. Offices could be build right up to the 30 foot utility easement. You could have parking lots etc with the present zoning. We are trying to work out something better and that is why I'm asking Mr. Sack if he would like to continue this item and bring it back for a later date.

The Planner reminded the Planning Commission that on this application the zoning application is for the CS area and not the remaining OM.

Chairman acknowledge what the Planner had said and asked Ted Sack one more time if he would like to make changes in his application, continue the item, or have the Planning Commission vote on the item. Ted Sack said he would like the Commission to vote on the item.

Davis made a motion to approve the application.

There was no second.

Chairman Sherrill said the item is denied by virtue of there being no second to the motion.

SKETCH PLAT Discussion to give direction on possible future development of mini storage units South of 146th Street and East of Memorial.

This item came in last Wednesday and at this writing I have not had the time for proper review and will have further comment at the meeting. The questions are concerning possible future development.

Question One: Would the planning commission entertain the vacate of a plat that would eliminate S 82nd East Ave South of 146th Street? Although the road has never been constructed we have asked for additional right of way on the plat for Ryder Brick to the South so the street would tie to 148th Street?

Question Two: Would we allow the drainage to be redone in this area to change the present above ground ditch? This is an engineering questions as well and would depend on a drainage design. The City Engineer was not available to comment on the plat until Monday, the meeting date, because he works only part time. I will bring you comments at the meeting.

Question Three: What about fire fighting with only one entry? I will bring the Fire Marshal comments to you at the meeting but I do not believe they will be positive.

Other Considerations: We need to establish where the water and sewer line cross this property. We know of a gravity line down the west side, but there are also two force mains that cross the property. I have asked Public Works to locate the lines and will bring there report to you at the meeting.

The reasons for the questions are not just technical. We have to address the vacating of a plat, and future traffic circulation. If the planning commission is willing then the developer might proceed, if not it is a waste of funds. We have to answer the questions concerning mini storage in this area, even though the zoning would allow it, our Comprehensive Plan would strongly suggest a PUD and retail might be a more appropriate use of the property. My recommendation is one of caution. This area will develop commercial in the future because of its location. The present mini storage and brick yard will not always be there. I will bring you additional information at the meeting. There is no action for approval on this item only discussion for future direction.

The tape was gone at this point so the following is a summary form notes.

The Planning Commission would entertain the vacate of the old plat if a good plan was brought forwarded for the Planning Commission to consider. Drainage is an Engineering consideration and would have to be worked out with the City Engineer in accordance with the City of Bixby ordinances. Proper entry would have to be platted on the new plat that would satisfy the Fire Marshal. One entry may not be enough there usually is a need for more than one entry. The City would need easements for any utility lines that crossed the property. It is hard for the Planning Commission to comment on an area without a plat or plan in hand.

Old Business: None

New Business: The planner announce he would not be present at the next meeting but was serving as the key not speaker for Floodplain Managers Convention in Arkansas.

Meeting Adjourned.

Approved _____ Date _____